

1    **Education Cabinet**

2    **Kentucky Board of Education**

3    **Department of Education**

4    **(Amended After Comments)**

5    **704 KAR 3:305. Minimum requirements for high school graduation.**

6    RELATES TO: KRS 156.160(1)(a), (c), 158.6451

7    STATUTORY AUTHORITY: KRS 156.070, 156.160(1)(a), (c)

8    NECESSITY, FUNCTION, AND CONFORMITY: KRS 156.160 requires the Kentucky

9    Board of Education to adopt administrative regulations relating to the courses of study for

10   the different grades and the minimum requirements for high school graduation. The

11   content standards for the courses of study are described in the program of studies, 704

12   KAR 3:303. This administrative regulation establishes the minimum requirements

13   necessary for entitlement to a high school diploma, including the requirements beginning

14   with the graduating class of 2012 [~~2002~~].

15   Section 1. Until the graduating class of 2012 [~~2002~~], each student in a common school

16   shall complete an Individual Learning Plan which incorporates emphasis on career

17   development and shall have a total of at least twenty-two (22) [~~twenty (20)~~] credits for

18   high school graduation. Those credits shall include the following minimum requirements:

19   (1) Language arts - four (4) credits (including English I, II, III, and IV) [4];

- (2) Social studies – three (3) credits (to incorporate U.S. History, Economics, Government, World Geography, and World Civilization); [2-(including one (1) credit in U.S. History).]
- (3) Mathematics – three (3) credits (including Algebra I, Geometry, and one (1) elective as provided in the program of studies, 704 KAR 3:303) [3];
- (4) Science – three (3) credits (including life science, physical science, and earth and space science as provided in the program of studies, 704 KAR 3:303) [2];
- (5) Health – one-half (1/2) credit [1/2];
- (6) Physical education – one-half (1/2) credit ;[1/2,]
- (7) History and appreciation of visual and performing arts (or another arts course which incorporates this content) - one (1) credit; and
- (8) [(7)] Electives – seven (7) credits [8].

Section 2. (1) Beginning with the graduating class of 2012 [2002], each student in a common school shall ~~[complete an individual graduation plan which incorporates emphasis on career development and shall]~~ have a total of at least twenty-two (22) credits for high school graduation. Those credits shall include the content standards as provided in the program of studies, 704 KAR 3:303. Additional standards based learning experiences shall align to the student's Individual Learning Plan and shall consist of standards-based content. The required credits and demonstrated competencies shall include the following minimum requirements:

- (a) Language arts - four (4) credits (English I, II, III, and IV) to include the content strands of reading, writing, speaking, listening, observing, inquiry, conventions, analysis

and using technology as a communication tool . Language arts shall be taken each year of high school; ~~[(including English I, II, III, and IV)]~~

(b) Social studies - three (3) credits to include the content strands of historical perspective, including U.S. History, geography, economics, government and civics, and cultures and societies ~~[(to incorporate U.S. History, Economics, Government, World Geography, and World Civilization)]~~;

(c) Mathematics – three (3) credits to include the content strands of number property and operation, measurement, geometry, data analysis and probability, and algebraic thinking and including the following minimum requirements:

1. One mathematics course taken each year of high school to ensure readiness for postsecondary education or the workforce based on the student's Individual Learning Plan;

2. Required courses shall include: ~~[(including]~~ Algebra I, Geometry and Algebra II. An integrated, applied, interdisciplinary, **occupational or technical** ~~[or technical/occupational]~~ course that prepares a student for a career path based on the student's Individual Learning Plan may be substituted for a traditional Algebra I, Geometry or Algebra II course on an individual student basis if the course meets the content standards in the program of studies, 704 KAR 3:303.

3. Prealgebra shall not be counted as one of the three required mathematics credits for high school graduation but may be counted as an elective; ~~[one (1) elective as provided in the program of studies, 704 KAR 3:303)]~~

(d) Science - three (3) credits that shall incorporate lab-based scientific investigation experiences and include the content strands of biological science, physical science, ~~[and]~~

1 earth and space science, and unifying concepts ~~[as provided in the program of studies,~~  
2 ~~704 KAR 3:303]~~];

3 (e) Health - one-half (1/2) credit to include the content strands of individual well-being,  
4 consumer decision, personal wellness, mental wellness, and community services;

5 (f) Physical education - one-half (1/2) credit to include the content strands of personal  
6 wellness, psychomotor, and lifetime activity;

7 (g) History and appreciation of visual and performing arts (or another arts course which  
8 incorporates this content) – one (1) credit to include the content strands of arts, dance,  
9 music, theatre, and visual arts or a standards-based specialized arts course based on the  
10 student's Individual Learning Plan;

11 (h) Academic and career interest standards based learning experiences ~~[Electives]~~ – seven  
12 (7) credits including four (4) standards-based learning experiences in an academic or  
13 career interest based on the student's Individual Learning Plan; and,

14 (i) Demonstrated performance based competency in technology.

15 (2) A local board of education may substitute an integrated, applied, interdisciplinary,  
16 technical/occupational course or higher level course for a required course if the  
17 alternative course provides rigorous content and addresses the same applicable  
18 components of 703 KAR 4:060. If a substitution is made, a rationale and course  
19 description shall be filed with the Department of Education.

20 (3) For students with disabilities, a local board of education may substitute a functional,  
21 integrated, applied, interdisciplinary, **occupational or technical** ~~or~~  
22 **technical/occupational** course or higher level course for a required course if the  
23 alternative course provides rigorous content and addresses the same applicable

components of 703 KAR 4:060. If a substitution is made, a rationale and course description shall be filed with the Department of Education.

Section 3. (1) A district shall implement an advising and guidance process throughout the middle and high schools to provide support for the development and implementation of an Individual Learning Plan for each student. The plan shall include career development and awareness and specifically address Vocational Studies Academic Expectations 2.36-2.38 as established in Academic Expectations, 703 KAR 4:060.

(2) A district shall develop a method to evaluate the effectiveness and results of the Individual Learning Plan process. The evaluation method shall include input from students, parents and school staff. As part of the evaluation criteria, the district shall include indicators related to the status of the student in the twelve (12) months following the date of graduation.

(3) A feeder middle school and a high school shall work cooperatively to ensure that each student and parent shall receive information and advising regarding the relationship between education and career opportunities. Advising and guidance shall include information about financial planning for postsecondary education.

(4) A school shall maintain each student's Individual Learning Plan. The Individual Learning Plan shall be readily available to the student and parent and reviewed and approved at least annually by the student, parents, and school officials.

(5) Beginning with a student's eighth grade year, the Individual Learning Plan shall set learning goals for the student based on academic and career interests and shall identify required academic courses, electives, and extracurricular opportunities aligned to the student's postsecondary goals. The school shall use information from the Individual

Learning Plans about student needs for academic and elective courses to plan academic and elective offerings.

(6) Beginning with the graduating class of 2013, the development of the Individual Learning Plan for each student shall begin by the end of the 6<sup>th</sup> grade year and shall be focused on career exploration and related postsecondary education and training needs.

Section 4. (1) A board of education may award credit toward high school graduation for satisfactory demonstration of learning based on content standards described in the program of studies, 704 KAR 3:303, and a rigorous performance standards policy established by the board of education. A school shall establish performance descriptors and evaluation procedures to determine if the content and performance standards have been met.

(2) A board of education may award credit toward high school graduation based on:

(a) A standards-based Carnegie unit credit that shall consist of at least one hundred twenty hours of instructional time in one subject;

(b) A standards-based performance-based credit, regardless of the number of instructional hours in one subject; and

(c) A standards-based credit earned by a student enrolled in grade five, six, seven or eight if:

1. The content of the course is the same that is established in the program of studies, 704 KAR 3:303; and

2. The district has criteria in place to make a reasonable determination that the middle level student is capable of success in the high school course.

1 (3) A district shall establish a policy for a performance-based credit system that includes,  
2 at least:

3 (a) The procedures for developing performance-based credit systems and for amending  
4 the system;

5 (b) The conditions under which each high school may grant performance-based credits  
6 and the related performance descriptors and assessments;

7 (c) Objective grading and reporting procedures;

8 (d) Content standards as addressed in 704 KAR 3:303, program of studies, and 703 KAR  
9 4:060, academic expectations;

10 (e) The extent to which state-provided assessments will be used in the local performance-  
11 based credit system;

12 (f) The ability for students to demonstrate proficiency and earn credit for learning  
13 acquired outside of school or in prior learning; and,

14 (g) Criteria to ensure that internships, cooperative learning experiences, and other  
15 learning experiences in the school and community are designed to further student  
16 progress towards the individual Learning plan, supervised by qualified instructors and  
17 aligned with state and local content and performance standards.

18 (4) A board of education may award standards-based performance-based credit toward  
19 high school graduation for:

20 (a) Standards-based course work that constitutes satisfactory demonstration of learning in  
21 any high school course, consistent with Section 2(1);

22 (b) Standards-based course work that constitutes satisfactory demonstration of learning in  
23 a course for which the student failed to earn credit when the course was taken previously;

1 (c) Standards-based portfolios, senior year or capstone projects;

2 (d) Standards-based online or other technology mediated courses;

3 (e) Standards-based dual credit or other equivalency courses; and

4 (f) Standards-based internship, cooperative learning experience, or other supervised  
5 experience in the school and the community.

6 (5) [(4)] A local board of education shall maintain a copy of its ~~[local]~~ policy on high  
7 school graduation requirements.

8 (a) This policy shall include a description of how the requirements address KRS  
9 158.6451(1)(b) and 703 KAR 4:060.

10 ~~[1. If a high school does not have a school council, this description shall be provided by~~  
11 ~~the local board.~~

12 ~~2. If a high school does have a school council, this description shall be provided by the~~  
13 ~~school council to the local board of education.~~

14 ~~(b) A letter of assurance of compliance and a copy of the local policy from the local~~  
15 ~~board of education and school council shall be submitted to the Department of Education~~  
16 ~~by the local board. If the local board or school council amends its policy, a letter of~~  
17 ~~assurance of compliance referencing the amendments shall be filed with the Department~~  
18 ~~of Education by the local board].~~

19 Section 5 [3]. (1) A student who satisfactorily completes the requirements of this  
20 administrative regulation and additional requirements as may be imposed by a local board  
21 of education shall be awarded a graduation diploma.

22 (2) The local board of education shall award the diploma.



1 Section 6 [4]. This administrative regulation shall not be interpreted as prohibiting a local  
2 governing board, superintendent, principal or teacher from awarding special recognition  
3 to a student.

4 **Section 7 . (1) Until the graduating class of 2012, if the severity of an exceptional**  
5 **student's disability precludes a course of study leading to receipt of a diploma, an**  
6 **alternative program shall be offered. This program shall be based upon student**  
7 **needs, as specified in the individual educational plan, and shall be reviewed at least**  
8 **annually. A student who completes this course of study shall be recognized for**  
9 **achievement. This may be accomplished by the local board of education awarding a**  
10 **certificate.**

11 **(2) Beginning with the graduating class of 2012, if the severity of an exceptional**  
12 **student's disability precludes a course of study that meets the high school**  
13 **graduation requirements established in Section 2 of this administrative regulation**  
14 **leading to receipt of a high school diploma, an alternative course of study shall be**  
15 **offered. This course of study shall be based upon student needs and the provisions**  
16 **specified in 704 KAR 3:303, Program of Studies, and shall be reviewed at least**  
17 **annually. A student who completes this course of study shall receive a certificate.**  
18 **This certificate will indicate a student's readiness for work experiences and will be**  
19 **awarded by the local board of education consistent with the graduation practices for**  
20 **all students.**

21 ~~[5. If the severity of an exceptional student's disability precludes a course of study that~~  
22 ~~meets the high school graduation requirements described in Section 2 leading to receipt~~  
23 ~~of a high school diploma, an alternative course of study shall be offered. This course of~~

1 ~~study shall be based upon student needs and the provisions specified in 704 KAR 3:303,~~  
2 ~~Program of Studies, [leading to receipt of a diploma, an alternative program shall be~~  
3 ~~offered.] [This program shall be based upon student needs, as specified in the individual~~  
4 ~~educational plan,] and shall be reviewed at least annually. A student who completes this~~  
5 ~~course of study shall receive a certificate of work readiness and employability to be~~  
6 ~~awarded [be recognized for achievement. This may be accomplished] by the local board~~  
7 ~~of education consistent with the graduation practices for all students. [awarding a~~  
8 ~~certificate]~~

This is to certify that the chief state school officer has reviewed and recommended this administrative regulation prior to its adoption by the Kentucky Board of Education, as required by KRS 156.070(4).

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
Gene Wilhoit  
Commissioner of Education

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
Keith Travis, Chairperson  
Kentucky Board of Education

## REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Administrative Regulation: 704 KAR 3:305

Agency Contact Person: Kevin M. Noland

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the minimum high school graduation requirements for students. The regulation includes existing high school graduation requirements and new graduation requirements for students beginning in 2012.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to implement provisions of KRS 156.160 and KRS 158.645.

(c) How this administrative regulation conforms to the content of the authorizing statute: This administrative regulation provides the minimum high school graduation requirements in accordance with KRS 156.160 and KRS 158.645.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation provides guidelines and minimum requirements for local districts to meet the educational goals and capacities required of students in Kentucky's public education system as defined by KRS 158.645.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: The amendment to 704 KAR 3:305 includes revisions to the content area requirements for students to graduate from high school (including requiring rigorous mathematics instruction every year, lab-based science courses), requirements for guidance programs and individual learning plans for students, and descriptions of the ways students may earn credit in high school.

(b) The necessity of the amendment to this administrative regulation: This regulation is being amended to increase the rigor of secondary education for all students in Kentucky schools to help increase the success of students in postsecondary education and training.

(c) How the amendment conforms to the content of the authorizing statute: KRS 156.645 identifies the capacities required of students in the public education system. This regulation further establishes the content requirements that will allow and assist all students to acquire those capacities.

(d) How the amendment will assist in the effective administration of the statutes: 704 KAR 3:305 establishes the required content that must be provided to students in order to meet the minimum high school graduation requirements.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: All local districts and schools must ensure the content established in 704 KAR 3:305 is provided to each student prior to high school graduation.

(4) Provide an assessment of how the above group or groups will be impacted by either the implementation of this administrative regulation, if new, or by the change if it is an amendment: Local districts and schools will revise course offerings and available educational opportunities to ensure students have access to required content.

(5) Provide an estimate of how much it will cost to implement this administrative regulation:

(a) Initially: There will be no additional costs to the agency or school districts to implement this administrative regulation. Districts and schools will use existing funding to implement the regulation.

(b) On a continuing basis: There will be no additional costs to the agency or school districts to implement this administrative regulation.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: General funds.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: This regulation does not relate to fees.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not establish fees or directly or indirectly increase any fee.

(9) TIERING: Is tiering applied? Tiering was not appropriate in this administrative regulation because the administrative regulation applies equally to all those individuals or entities regulated by it.

**STATEMENT OF CONSIDERATION  
RELATING TO  
704 KAR 3:305, Minimum High School Graduation Requirements  
(AMENDED AFTER COMMENTS)**

- (1) A public hearing on 704 KAR 3:305 was held March 30, 2006, at 10:00 a.m. in the Kentucky Department of Education First Floor Conference Room, Capital Plaza Tower, 500 Mero Street, Frankfort, Kentucky.
- (2) The following people submitted written or oral comments regarding this administrative regulation:

<u>Name</u>	<u>Agency/Organization/Entity/Other</u>
Charlie Muntz	Retired Special Education Administrator, University of Kentucky Teacher
Donald Cross	Retired University of Kentucky Professor
Mary White	Retired Special Education Teacher
Verdell Jones, Sr.	Retired Special Education Teacher
Norb Ryan	State ADA Coordinator and Disability Specialist at UK
Leslie Brauer	Kentucky Council of Administrators of Special Education
Carol Sturgill Cooksey	Kentucky Council of Administrators of Special Education
Greta Stanfield	Kentucky Council of Administrators of Special Education
Karen Frohoff	State Advisory Panel for Exceptional Children
Betty Muntz	Kentucky Council for Exceptional Children
Nancy Hutchinson	Bath County Schools
Belinda Bowling	Berea Independent Schools
Howard Osborne	Boyd County Schools
Larry Woods	Butler County Schools
James L. Schmidt	Caldwell County Schools
Steve Hoskins	Calloway County Schools
Anna Abner	Campbell County Schools
Linda Hatter	Casey County Schools
Danny Brown	Carlisle County Schools
Sue Buckman	Carlisle County Schools
Patty Grable	Christian County Schools
Bob Lovingood	Christian County Schools
Doug Adams	Clay County Schools
Susan Burgan	Clay County Schools
John Belt	Crittenden County Schools
Ken Roberts	Daviess County Schools

Tom Shelton	Daviess County Schools
Alexis Seymore	Dawson Springs Independent Schools
Nancy Price	Dayton Independent Schools
Pam Gausepohl	Erlanger Independent Schools
Mary Browning	Fayette County Schools
Jack Hayes	Fayette County Schools
Kelley Crain	Fleming County Schools
Katherine Eaton	Fort Thomas Independent Schools
Stacy L. Faust	Fort Thomas Independent Schools
Sara Valentine	Fort Thomas Independent Schools
Sharon Holstein	Fort Thomas Independent Schools
Charles Holliday	Fulton County Schools
Deborah W. Heisel	Fulton Independent Schools
Diane Owen	Fulton Independent Schools
Leslie Brauer	Glasgow Independent Schools
Lisa Underwood	Glasgow Independent Schools
John Younce	Greenup County Schools
Shelly Decker	Hart County Schools
Pam Link	Hart County Schools
Judy Masterson	Hart County Schools
Rebecca Brown	Henderson County Schools
Bonnie Kitchens	Henderson County Schools
Thomas Richey	Henderson County Schools
Katrina Ferrell	Hopkins County Schools
Trisha Crabtree	Hopkins County Schools
Stacey Hill	Hopkins County Schools
Rhea Dawn Snider	Hopkins County Schools
Nicole Leonard	Hopkins County Schools
Jamie Morris	Hopkins County Schools
Virginia McGregor	Hopkins County Schools
Vicki Williams	Hopkins County Schools
Lisa Allen	Hopkins County Schools
Patty Wilson	Hopkins County Schools
Paula Snorton	Hopkins County Schools
Jerry Rager	Hopkins County Schools
Tania Gamble	Hopkins County Schools
Patrick J. Courtney	Hopkins County Schools
Kristin Crook	Hopkins County Schools
Deborah Skelton	Hopkins County Schools
Beth Huff	Hopkins County Schools
Mandy Fields	Hopkins County Schools
Shannon Moore	Hopkins County Schools
Amy Rager	Hopkins County Schools
Wendy Mitchell	Hopkins County Schools
James Stevens	Hopkins County Schools
Diana French	Jefferson County Schools

Denise Colston	Jefferson County Schools
Debbie Curry	Jefferson County Schools
Susan Hankins	Jefferson County Schools
Cindy Phelps	Jefferson County Schools
Norm Terry	Jefferson County Schools
Steve Trimble	Johnson County Schools
Frances Steenbergen	Kentucky Education Association
Lea Brown	Laurel County Schools
Jeff May	Lawrence County Schools
Garry C. Morgan	Leslie County Schools
Thomas Sizemore	Leslie County Schools
Jack Monroe	Livingston County Schools
Lee Gold	Lyon County Schools
Mark Blackburn	Martin County Schools
Steve Knight	Marshall County Schools
Toby Fried	Mason County Schools
Lori Kissell	Mason County Schools
Stefanie Lynch	Mason County Schools,
Susan Daulton	Mason County Schools
Jeff McEldowney	Mason County Schools
Debbie Lucas	Mason County Schools
Tim Moore	Mason County Schools
Lonnie Burgett	Mayfield Independent Schools
Martha Thomas	Mayfield Independent Schools
Amie Tooley	McCracken County Schools
Nancy Waldrop	McCracken County Schools
Earl Melloy	McLean County Schools
Pat Hurt	Metcalf County Schools
Chris Huffman	Metcalf County Schools
Tamara Martin	Metcalf County Schools
Rita McMurtrey	Metcalf County Schools
Bennie Stephens	Metcalf County Schools
Joe Dan Gold	Morgan County Schools
Donnie Robison	Monticello Independent Schools
Amanda Dennis	Montgomery County Schools
Linda Walters	Montgomery County Schools
R. Dale Todd	Muhlenberg County Schools
Vicky Morgan	Nelson County Schools
Delle Blair	Owen County Schools
Kim Johnson	Owensboro Independent Schools
Larry Vick	Owensboro Independent Schools
Sheila Thomas	Owsley County Schools
Corey Samons	Paintsville Independent Schools
John Amis	Perry County Schools
Frank Welch	Pike County Schools
Tim Eaton	Pulaski County Schools



John Stephens	Raceland Independent Schools
Susan Compton	Russell Independent Schools
Wilson Sears	Somerset Independent Schools
Tim McGinnis	Trigg County Schools
Stephen Butcher	Wolfe County Schools
David Donaghue	Teacher
Sally A. Miracle	Central Kentucky Special Education Cooperative
Angie Copley	Northern Kentucky Special Education Cooperative
Jan Coy	Ohio Valley Special Education Cooperative
Ginger Brashear	Upper Cumberland Special Education Cooperative
Sue Clifton	Western Kentucky Special Education Cooperative
Arlene Hall	Murray State University
Margaret N. Steinman	University of Kentucky
Janice Ferguson	Western KY University
Gaila Adams	Parent
Kathy Ayers	Parent Hopkins County, Kentucky
Michael & Allison Daun	Parents
Charla DeWitt	Parent
Mrs. Robert Dixon	Parent
David and Wendy Everly	Parents
Paulette M. Fiehrer	Parent
Linda Erzinger	Parent
Dennis and Kelly Flynn	Parents Taylor Mill, Kentucky
Julie Gonzalez	Parent Fort Thomas, Kentucky
Vicki Hardman	Parent Bowling Green, Kentucky
Dustie Kemp	Parent Florence, Kentucky
Mary Kay Laird	Parent Beechwood Independent Schools
Nathalie & Rick McKay	Parents Oldham County
Renea Monger	Parent
Carol Schickler	Parent Fort Thomas, Kentucky
Greg & Laura Tate	Parents Fort Thomas, Kentucky
Teresa Whitehead	Parent
Charles Whitehead, Jr.	Parent
Melanie Tyner-Wilson	Parent Lexington, Kentucky
Zoeann Yussman	Parent
John Brooks	Citizen Fort Thomas, Kentucky
Julie Carter	Citizen Fort Thomas, Kentucky
Linda Erzinger	Citizen
Barbara Hettle	Citizen
Robin Ivy	Citizen
Sharon Minath	Citizen
J. Robert Pinkston	Citizen
Bill Steinman	Citizen
Mary Moore	Nurse Fort Thomas, Kentucky

The following people attended the hearing:

<b><u>Name</u></b>	<b><u>Agency/Organization/Entity/Other</u></b>
Charla Dewitt	Bardstown, KY
Anna Winchell (tape)	Vine Grove, KY
Dianna L. Howell	Pikeville, KY
Diane Sharp	London, KY
Norb Ryan	ADA State Coordinator
Renee Scott	KDE
Lynn Gagle	Wilmore, KY
Gaila Adams (tape)	Bowling Green, KY
Roberta Alston	Louisville, KY
Scott Teague	Williamsburg, KY
Teresa Whitehead	Ashland, KY
Jeff Edwards	Frankfort, KY
Leslie Jones	Frankfort, KY
Carol Sturgill Cooksey	Louisa, KY
Edith "Dot" Stallard	Danville, KY
Mary Fehrenbach	Lexington, KY
James Knoll	Morehead, KY
Charles Whitehead Jr.	Ashland, KY
Heidi Schissler	
Charlie Muntz	Lexington, KY
Betty Muntz	Lexington, KY
Karen Frohoff	Berea, KY
Frances Steenbergen	Frankfort, KY
Tom Welch	Lexington, KY
Donald Cross	Lexington, KY
Mary White	Lexington, KY
Vicki Hardman	Louisville, KY
Delle M. Blair	Frankfort, KY
Teresa Combs	Frankfort, KY
Jack Hayes	Lexington, KY
Gary Wiseman	Lexington, KY
Gwen Buffington	Frankfort, KY
Eric Friedland	Louisville, KY
Ginger Brashear	Williamsburg, KY
Susan Burgan	Manchester, KY
Nancy O. Stivers	

- (3) Fourteen (14) individuals made oral comments at the hearing and 158 individuals submitted written comments to be considered.
- (4) The following persons from the promulgating administrative body responded to the written or oral comments:

Kevin Noland	Kentucky Department of Education
Johnnie Grissom	Kentucky Department of Education
Starr Lewis	Kentucky Department of Education
Larry Taylor	Kentucky Department of Education
Linda Pittenger	Kentucky Department of Education
Michael Miller	Kentucky Department of Education

## **SUMMARY OF COMMENTS AND RESPONSES:**

### **(1) Proposed amendment presented by Kentucky Council of Administrators of Special Education**

**Comment:** The Kentucky Council of Administrators of Special Education (CASE), the Kentucky Council of Exceptional Children (KYCEC) and several others proposed or endorsed an amendment to the proposed regulation to add language that would allow districts to substitute an alternative course of study for some two percent students with disabilities. They specifically proposed adding an occupational course of study based on modified standards and modified assessments leading to award of the high school diploma. The reasons given for this proposed exemption were because students with disabilities need to be provided appropriate opportunities commensurate with their individual education needs, a large percentage of students with disabilities drop out of school without a diploma or certificate, students with mild to moderate mental disabilities could enter the world of work if given an appropriate curriculum leading to a standard high school diploma, the federal No Child Left Behind Act allows states some flexibility with standards and assessments for 2% of students with disabilities, and graduation rates would increase if an occupational course of study was offered. Those speaking or offering written comments in favor of this amendment were: Charlie Muntz, Donald Cross, Mary White, Verdell Jones Sr., Norb Ryan, Leslie Brauer, Carol Sturgill Cooksey, Greta Stanfield, Karen Frohoff, Betty Muntz, Nancy Hutchinson, Belinda Bowling, Howard Osborne, Larry Woods, James L. Schmidt, Steve Hoskins, Anna Abner, Linda Hattler, Danny Brown, Sue Buckman, Patty Grable, Bob Lovingood, Doug Adams, Susan Burgan, John Belt, Ken Roberts, Alexis Seymore, Nancy Price, Tom Shelton, Pam Gausepohl, Mary Browning, Kelley Crain, Katherine Eaton, Stacy L. Faust, Sara Valentine, Sharon Holstein, Charles Holliday, Deborah W. Heisel, Diane Owen, Lisa Underwood, John Younce, Shelly Decker, Pam Link, Judy Masterson, Rebecca Brown, Bonnie Kitchens, Thomas Richey, Katrina Ferrell, Trisha Crabtree, Stacey Hill, Rhea Dawn Snider, Nicole Leonard, Jamie Morris, Virginia McGregor, Vicki Williams, Lisa Allen, Patty Wilson, Paula Snorton, Jerry Rager, Tania Gamble, Patrick J. Courtney, Kristin Crook, Deborah Skelton, Beth Huff, Mandy Fields, Shannon Moore, Amy Rager, Wendy Mitchell, James Stevens, Diana French, Denise Colston, Debbie Curry, Susan Hankins, Cindy Phelps, Norm Terry, Steve Trimble, Lea Brown, Gary C. Morgan, Thomas Sizemore, Jack Monroe, Mark Blackburn, Steve Knight, Toby Fields, Stefanie Lynch, Susan Daulton, Jeff

McEldowney, Debbie Lucas, Tim Moore, Lonnie Burgett, Martha Thomas, Amie Tooley, Nancy Waldrop, Earl Melloy, Pat Hurt, Chris Huffman, Tamara Martin, Rita McMurtrey, Bennie Stephens, Joe Dan Gold, Donnie Robison, Amanda Dennis, Linda Walters, R. Dale Todd, Vicky Morgan, Delle Blair, Kim Johnson, Larry Vick, Sheila Thomas, Carey Samons, John Amis, Frank Welch, Tim Eaton, John Stephens, Susan Compton, Wilson Sears, Tim McGinnis, Stephen Butcher, Sally A. Miracle, Angie Copley, Jan Coy, Ginger Brashear, Sue Clifton, Arlene Hall, Margaret N. Steinman, Janice Ferguson, Barbara Hettle, Nathalie and Rick McKay, Dennis and Kelly Flynn, Greg and Laura Tate, Dustie Kemp, Mary Kay Laird, Paulette M. Fiehrer, Michael and Allison Daun, Renea Monger, Mrs. Robert Dixon, Charla DeWitt, Zoeann Yussman, J. Robert Pinkston, Sharon Minath, David Donaghue, Mary Moore, and Earl Melloy.

There were comments received that were not in favor of this amendment and wanted the administrative regulation to be adopted as written. Some of the reasons given for those comments were the occupational course of study limits children to preconceived notions about what children can learn, high expectations must be maintained for all students, students with disabilities should not have separate instruction, the occupational course of study creates an underclass of students, special education students succeed in regular courses when accommodations and supports are provided and the occupational course of study would limit students' options once they are out of high school, capping their postsecondary careers to minimal, low-paying jobs. Those in support of the regulation as proposed and in opposition to the amendment were: Gaila Adams, Teresa Whitehead, Vicki Hardman, Charles Whitehead, Jr., Jack Hayes, Melanie Tyner-Wilson, Julie Gonzalez, Linda Erzinger, David and Wendy Everly, Lori Kissell, and Kathy Ayers.

**Response:** The administrative regulation as currently proposed allows for flexibility in developing alternative courses to meet the unique educational needs of students with disabilities at the same time complying with federal requirements proposed under No Child Left Behind. Under the federal proposal, states have some discretion to develop modified achievement standards and assessments if those modifications are aligned with the state's academic grade-level content. The modifications can reflect reduced breadth or depth of grade-level content but must be validated through a standards-setting process and be aligned with the state's academic content standards for the grade in which the student is enrolled.

The two percent referenced in the proposed federal regulations relates to scores of students. It states: States and districts would be permitted to include the *proficient* and *advanced* scores from assessments based on modified achievement standards in AYP determinations, subject to a cap at the district and state levels based on the total number of students assessed. The cap is only a cap on the number of proficient scores that may be included. The cap does not need to equal the total number of students that may meet the criteria for the modified assessment.

The proposed federal regulations specify that students eligible to take assessments based on the proposed modified achievement standards may be in *any* of the thirteen disability categories listed in IDEA. It is not intended just for students with mental cognition deficits. The statement is made that it will be more difficult, in general, for IEP teams to determine the students with disabilities for whom modified achievement standards would be appropriate than it is for IEP teams to determine the students with the most significant cognitive disabilities for whom alternate achievement standards are appropriate. Students assessed based on modified achievement standards would not simply be students who are having difficulty with grade-level content or who are receiving instruction below grade level; nor, would they necessarily be the lowest achieving two percent of students, who are not students with the most significant cognitive disabilities. In fact, based on recent data from the Special Education Elementary Longitudinal Study (SEELS) funded by the Office of Special Education Programs (OSEP), it is anticipated that students from each of the thirteen disability categories listed in the IDEA will be among those who are assessed based on modified achievement standards.

Although the federal regulations referenced are not final, the Kentucky Department of Education has already formed a task force to address modified assessment options for appropriate students if the regulations are passed.

Section 2, (3) of the proposed high school graduation regulation sets out the flexibility that a local board of education may exercise to substitute alternative courses such as occupational courses for students with disabilities; however, in order to clarify the intent of this section of the regulation, the following changes will be made:

- (1) On page 3, Section 2 (1), (c), 2, line 14, after the word “interdisciplinary” delete the words “or technical/occupational” and insert “,occupational or technical”.
- (2) On page 4, Section 2, (3), line 21, after the word “interdisciplinary” delete the words “or technical/occupational” and insert “,occupational or technical”.

These changes will delineate the flexibility in the development of appropriate occupational offerings for students with disabilities as well as other students needing alternative courses.

**(2) Comments concerning end-of-course exams, arts and humanities assessment and teacher compensation**

**Comment:** Frances Steenbergen, representing Kentucky Education Association (KEA) presented comments with concerns about how end-of-course exams could “co-exist” with the flexibility allowed in the proposed regulation. She also made comments about accurate assessments in arts and humanities, and providing additional compensation for teachers for additional professional development.

**Response:** This proposed regulation does not address end-of-course exams, arts and humanities assessments, or teacher compensation; therefore, no changes will be made to reflect these comments.

**(3) Comments concerning Individual Learning Plans**

**Comment:** Frances Steenbergen presented concerns that the Individual Learning Plans could limit a student's ability to explore alternative subjects through elective classes and that students in the sixth (6<sup>th</sup>) grade are too young to be "saddled with a rigid choice made at such an early age".

**Response:** The proposed administrative regulation allows local districts to implement a process for implementation of the Individual Learning Plan and a method to evaluate the effectiveness and results of the plan. This would allow districts the flexibility to determine the best method to allow students to choose electives. Additionally, the plans are to be reviewed at least annually so that any choices made at any point in a student's career could be modified or changed if the student's interests or needs change. Therefore, no changes will be made to the language in the proposed administrative regulation to address this comment.

**(4) Technical Amendment**

In order to clarify the timelines for implementation of this proposed regulation, the following amendment will be made to Section 7 on Page 9:

"7. (1) Until the graduating class of 2012, if the severity of an exceptional student's disability precludes a course of study leading to receipt of a diploma, an alternative program shall be offered. This program shall be based upon student needs, as specified in the individual educational plan, and shall be reviewed at least annually. A student who completes this course of study shall be recognized for achievement. This may be accomplished by the local board of education awarding a certificate.

(2) Beginning with the graduating class of 2012, if the severity of an exceptional student's disability precludes a course of study that meets the high school graduation requirements established in Section 2 of this administrative regulation leading to receipt of a high school diploma, an alternative course of study shall be offered. This course of study shall be based upon student needs and the provisions specified in 704 KAR 3:303, Program of Studies, and shall be reviewed at least annually. A student who completes this course of study shall receive a certificate. This certificate will indicate a student's readiness for work experiences and will be awarded by the local board of education consistent with the graduation practices for all students."

Delete the remainder of this Section in its entirety.

This clarifies that current requirements for certain students with disabilities will continue to apply for students graduating before 2012.

**SUMMARY OF STATEMENT OF CONSIDERATION AND ACTION TAKEN  
BY PROMULGATING ADMINISTRATIVE BODY:**

The interest exhibited in teaching and learning by the number of comments received is impressive. As indicated above, the comments submitted have resulted in the following proposed amendments to 704 KAR 3:305:

- (1) On page 3, Section 2 (1), (c), 2, line 14, after the word “interdisciplinary” delete the words “or technical/occupational” and insert “occupational or technical”.
- (2) On page 4, Section 2, (3), line 21, after the word “interdisciplinary” delete the words “or technical/occupational” and insert “occupational or technical”.
- (3) On page 9, Section 7, line 4, after “Section” insert: “7. (1) Until the graduating class of 2012, if the severity of an exceptional student's disability precludes a course of study leading to receipt of a diploma, an alternative program shall be offered. This program shall be based upon student needs, as specified in the individual educational plan, and shall be reviewed at least annually. A student who completes this course of study shall be recognized for achievement. This may be accomplished by the local board of education awarding a certificate.  
(2) Beginning with the graduating class of 2012, if the severity of an exceptional student's disability precludes a course of study that meets the high school graduation requirements established in Section 2 of this administrative regulation leading to receipt of a high school diploma, an alternative course of study shall be offered. This course of study shall be based upon student needs and the provisions specified in 704 KAR 3:303, Program of Studies, and shall be reviewed at least annually. A student who completes this course of study shall receive a certificate. This certificate will indicate a student's readiness for work experiences and will be awarded by the local board of education consistent with the graduation practices for all students. Delete the remainder of this Section in its entirety.”